# UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

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JIN MING LIN, CHI WAI CHAO,	)
YOOK THAI CHEAH, MING F. FUNG,	)
MUOI GIANG, YUEN YUE SOOHOO,	)
and MEI ZHI,	
	)
Plaintiffs,	) Civil Action No. 09-11510-GAO
V.	)
	)
CHINATOWN RESTAURANT CORP.,	)
and JOYCE P.Y. HAYES,	)
	)
Defendants.	)
	_)

# PLAINTIFFS' MOTION IN LIMINE TO PRECLUDE DOCUMENTS NOT PRODUCED IN DISCOVERY

Plaintiffs move this Honorable Court to preclude Defendants from attempting to introduce any documents that have not been produced in discovery.

Plaintiffs sought all records concerning the scheduling of employees as well as those concerning actual hours worked by employees. Defendants have to date claimed that none exist. Plaintiffs also sought all records related to payment of wages to Defendants' employees. Although much has been produced in this regard, there are huge gaps of records missing. In response to plaintiffs' counsel's specific requests for these missing records, defendants' counsel responded that "intensive" efforts were made to locate these documents but that defendants were not able to find them and that they could not produce documents that do not exist.

Defendants should be precluded from attempting to introduce any documents that were not produced in discovery. Further, the Defendants should be precluded from arguing that the plaintiffs cannot prove certain damages due to this gap in pay documents.

## RESPECTFULLY SUBMITTED,

### **For Plaintiffs**

By their attorneys,

/s/ Myong J. Joun

Myong J. Joun BBO No. 645099 Joun Law Office 491 Massachusetts Ave., Suite 208 Arlington, Massachusetts 02474

Tel.: (617) 304-6186 Fax: (866) 551-4983

Email: mjoun@massrights.com

/s/ Jeffrey Wiesner

Jeffrey Wiesner BBO No. 655814 Stern, Shapiro, Weissberg & Garin, LLP 90 Canal Street, Suite 500 Boston, MA 02114-2022

Tel.: (617) 742-5800 Fax: (617) 742-5858

Email: jwiesner@sswg.com

Dated: October 19, 2012

### **CERTIFICATE OF SERVICE**

I certify that on this day I caused a true copy of the above document to be served upon the attorney of record for all parties via CM/ECF.

Date: <u>10/19/2012</u> /s/Myong J. Joun Myong J. Joun